

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

JASON HARVEY,

Plaintiff,

vs.

NEBRASKA DEPARTMENT OF
CORRECTIONAL SERVICES, et al.,

Defendants.

8:15CV102

AFFIDAVIT OF DR. HARBANS DEOL

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

I, HARBANS DEOL, DO, PhD, being first duly sworn upon oath, hereby depose and state as follows:

1. I am a Board Eligible Medical Doctor and the Medical Director for the Nebraska Department of Correctional Services. A copy of my most recent curriculum vitae is attached to this affidavit.
2. This affidavit is based on my own personal knowledge and a review of former inmate Jason Harvey's institutional and medical records.
3. I hereby certify that I am competent to testify to the matters stated herein. This affidavit was prepared to accompany the Defendants' Motion for Summary Judgment.
4. I had no personal involvement in the treatment of Jason Harvey.
5. According to the Plaintiff's institutional file and medical records, Mr. Harvey was admitted to the Nebraska Department of Correctional Services on June 6, 2014.
6. Mr. Harvey had a physical examination on June 18, 2014 in which he was diagnosed with liver disease (more specifically Hepatitis C) and type II diabetes, and had a positive PPD (purified protein derivative) skin test indicating a latent tuberculosis infection.
7. Mr. Harvey indicated to the medical staff at the Nebraska Department of Correctional Services that he had used intravenous drugs in 2004 and 2012.

8. At the June 18, 2014 physical examination, Mr. Harvey refused vaccination for Hepatitis A and B.

9. Following the PPD test that indicated a latent tuberculosis infection, Mr. Harvey was prescribed INH pills. The pills, however, caused Mr. Harvey to suffer from a low platelet count. To maintain Mr. Harvey's health, the INH pills were discontinued, and Mr. Harvey was screened for active tuberculosis via chest x-rays instead. At no time did Mr. Harvey have an active tuberculosis infection.

10. Mr. Harvey was provided insulin upon admission to the Nebraska Department of Correctional Services in order to treat his type II diabetes. His blood sugar levels were also monitored regularly.

11. Hepatitis C is generally treated with anti viral therapy. The Nebraska Department of Correctional Services (NDCS) medical protocol states that "inmates entering NDCS for periods shorter than one year or who have less than one year remaining on their sentence (measured by "tentative release date") ordinarily should not be started on antiviral therapy. Individuals entering NDCS custody who are already on treatment should be maintained on antiviral therapy unless treatment must be discontinued for medical reasons.

12. Contra-indications for treatment of Hepatitis C include, but are not limited to, documented use of illicit drugs or abuse of alcohol in the preceding 12 months and documented high-risk behavior in preceding 12 months (may include sexual, drug abuse, body piercing, tattooing, etc). This is because the treatment will not be effective if there is a possibility of becoming re-infected with the virus.

13. Inmates must wait one year to begin Hepatitis C treatment to ensure they are not engaging in any activity that would make the treatment ineffective.

14. Hepatitis C is a chronic illness that progresses slowly, if at all. The progression generally takes 20 to 30 years before any serious problems are encountered.

15. In December of 2015, Mr. Harvey began treatment for Hepatitis C using the drug Harvoni. He successfully completed this treatment in 12 weeks and was cured of Hepatitis C.

16. Mr. Harvey did not suffer any ill effects from delaying treatment of his Hepatitis C for one year. A delay of one year of the treatment of Hepatitis C would not result in a deterioration of his health, extreme pain, diabetes, or numbness in his left hand.

17. I am familiar with the standard of care governing primary care in Nebraska.

18. Based upon my review of the applicable medical records, and my experience and training in the field of primary care, it is my opinion that the care provided by the medical staff at the Nebraska State Penitentiary was, at all times, in compliance with the generally recognized standards of care, skill and knowledge as used in Lincoln, Lancaster County, Nebraska, or similar communities by

medical practitioners and providers in the field of primary care who attend to patients under circumstances the same as or similar to the present case.

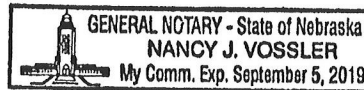
Harbans Deol

Dr. Harbans Deol
Affiant

SUBSCRIBED AND SWORN TO before me this 15th day of August, 2017.

Nancy J. Vossler

Notary Public



Harbans S. Deol, D.O., PhD
943 Forest Edge Circle,
Coralville, IA, 52241
641-919-7650

Curriculum Vitae

Education

- D.O.** University of Osteopathic Medicine and Health Sciences
Des Moines, Iowa (1993)
- PhD.** Microbiology and Immunology, New York University
New York City, New York (1984)
- M.S.** Medical Microbiology, Long Island University
Brooklyn, New York (1979)
- B.S.** Medical Technology - Cum Laude - State University of New York
Brooklyn, New York (1974)

Honor and Citations

- ❖ Citizens Aide/Ombudsman Award, "The Extra Mile" - 2004
- ❖ Golden Dome Term of the Year Award Governors Office - 2002
- ❖ Samuel Floch Award, Resident of the Year Yale University - 1996
- ❖ Norwalk Hospital Board of Trustees Award Yale University - 1996
- ❖ Laura M. Brady Award for Compassion Yale University - 1996
- ❖ Samuel Floch Award, Intern of the Year Yale University - 1994
- ❖ Chairman's Award, Productivity Excellence Fisher Scientific - 1984
- ❖ Sigma Xi Award, Graduate Student Research New York University - 1982

- ❖ Table Clinic Award, Graduate Student Research New York University - 1982
- ❖ Supervisor's Certification in Clinical Chemistry, Microbiology, Hematology and Serology
- ❖ Honors Citation, Dutchess Community College, New York (1970 - 1972)

Employment / Medical Practice

- | | | |
|-----|---|-----------------------|
| 1. | Deputy Director, Health Services – NDCS | 2017 to Current |
| 2. | Health Services Administrator | 2008 - 2016 |
| 3. | Physician, Medical Arts Clinic,
P.C Fairfield, IA 52556 | Nov. 2004 - 2008 |
| 4. | Chief of Staff
Jefferson County Hospital
Fairfield, IA 52556 | 2005 - 2006 |
| 5. | Medical Director
Donnellson Health Care Center
Donnellson, IA 52625 | 1998 - 2014 |
| 6. | Medical Director
Consultant Mobile Nursing Home Health
Fort Madison, IA 52567 | 1999 - 2016 |
| 7. | Medical Director
State of Iowa -Department of Corrections
Iowa Medical Classification Center
Oakdale, IA 52319 | July 2001 – Nov. 2004 |
| 8. | H. Deol, DO, PhD, P.C. Internal Medicine
Fort Madison, IA 52627 | 2000 - 2001 |
| 9. | Fort Madison Family Physicians - Internal Medicine
Fort Madison, IA 52627 | 1998 - 2000 |
| 10. | Physician
Marengo Medical Center Marengo
Memorial Hospital | 1996 - 1998 |
| 11. | Production Manager, Pandex Lab Baxter, Illinois | 1989 - 1990 |

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|-----|---|-------------|
| 12. | Senior Scientist, Hepatitis I HIV Division
Baxter, Illinois | 1987 - 1989 |
| 13. | Scientist, Immunology I Hematology Fisher Scientific
Orangeburg, New York | 1985 - 1987 |
| 14. | Post-Doctoral Fellowship Lenox Hill Hospital
New York, New York | 1984 - 1985 |
| 15. | Instructor, New York University
Dental Center Department of Microbiology
New York, New York | 1982 - 1984 |

Medical Society

- | | | |
|----|--|-------------|
| 1) | Committee Member
Iowa Medical Society Committee on Public Health | 2003 - 2008 |
| 2) | Steering Committee Member
American Academy of Ambulatory Care | 2000 - 2005 |
| 3) | Medical Advisor
American Diabetes Advisory Committee | 1998 - 2000 |
| 4) | Advisor to IMS Obesity project | 2006 |
| 5) | Jefferson County Epidemiological study for
vaccine surveillance and pediatric antibiotic
use in the community. | 2007 |
| 6) | Lee county antibiotic prevalence study | 2000 |
| 7) | President - Lee County Medical Society
Fort Madison, IA 52627 | 2000 -2001 |
| 8) | Vice-President - Lee County Medical Society
Fort Madison, IA 52627 | 1999 - 2000 |

Internship / Residency

Yale University

Internship: July 1993 - June 1994

Norwalk Hospital Program
Internal Medicine / Primary Care
Norwalk, CT

Residency: July 1994 - June 1996

Licensure

State Medical License - Iowa (# 2999)

State Medical License – Nebraska (# 1597)

Board Certification / Eligibility

Board Certified: American Board of Ambulatory Medicine

Board Eligible: American Board of Internal Medicine

Publications & Patents

Publications & Patents - List Available Upon Request